

**UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re: Chapter 13

BRIAN K. GRUMBLING Case No. 18-70245-JAD  
PATRICIA GRUMBLING

Debtors Judge: The Honorable Jeffery A. Deller

APEX BANK F/K/A BANK OF  
CAMDEN

DATE AND TIME OF HEARING:  
Friday, April 5, 2019 at 11:00 a.m.

Movant,

v.

RESPONSES DUE: March 1, 2019

BRIAN K. GRUMBLING  
PATRICIA GRUMBLING, and  
RONDA J. WINNECOUR, TRUSTEE

**CONSENT ORDER RESOLVING  
MOTION FOR RELIEF OF APEX BANK F/K/A BANK OF CAMDEN**

Upon consideration of the Motion for Relief From the Automatic Stay (the “Motion”) filed by Apex Bank f/k/a Bank of Camden (“Apex”), and with the consent of Brian Grumbling and Patricia Grumbling (the “Debtors”) and Ronda J. Winnecour, Trustee, the Court hereby orders as follows:

1. The Motion is GRANTED as set forth herein.
2. The automatic stay of 11 U.S.C. § 362 is vacated as to the Debtors’ interest in the real property located at 300 11th Street, Windber, PA 15963 (the “Property”) in order to allow Apex, or their successors, to proceed with their rights relating to the Property, subject to the terms set forth herein.
3. Apex will not proceed with any action to enforce its rights relating to the Property while the Debtors are in compliance with the terms of this Order, the note, which is attached to the Apex’s proof of claim<sup>1</sup> as Exhibit A, and the mortgage, which is attached to Apex’s proof of claim as Exhibit B, and the Debtors’ Amended Chapter 13 Plan.
4. The Debtors will continue to pay the Chapter 13 Trustee the regular monthly payments and the arrearage payment under their Amended Chapter 13 Plan filed on March 28, 2019 (Document No. 46).

<sup>1</sup> Apex has a secured claim in the amount of \$66,770.56 plus continuing interest and fees.

5. Apex will retain its lien against the Property until Apex receives payment of its secured claim in full.

6. If the Debtors default on their obligation to make monthly payments to the Trustee under their Amended Chapter 13 Plan, or are otherwise in default of Debtors' obligations under the note and mortgage, except as modified herein, Apex may send a notice of default to the Debtors and their counsel via email to [clrflidesq@aol.com](mailto:clrflidesq@aol.com). Any notification of payment default sent to [clrflidesq@aol.com](mailto:clrflidesq@aol.com) is deemed valid and received upon sending. If the default is not cured within ten (10) days, Apex may file a Certification of Default with the Court, and subject to the Debtors' right to challenge the existence of a default, the relief from the automatic stay granted in this Order shall immediately become effective and Apex may proceed with enforcement of its rights and remedies under the loan documents, including without limitation a sheriff sale of the Property.

Respectfully submitted,

/s/ Kristen Wetzel Ladd  
Kristen Wetzel Ladd, Esq.  
Unruh Turner Burke & Frees, P.C.  
17 W. Gay Street  
West Chester, PA 19381  
*Counsel for Apex Bank*

Respectfully submitted,

/s/ Kenneth P. Seitz  
Kenneth P. Seitz, Esquire  
Law Offices of Kenny P. Seitz  
P.O. Box 211  
Ligonier, PA 15658  
*Counsel for Debtor*

Respectfully submitted,

/s/ Jana S. Pail  
Jana S. Pail, Esq.  
600 Grant Street, Suite 3251  
Pittsburgh, PA, 15219-2702  
*Counsel for Trustee*

SO ORDERED:



DATED: 4.3.2019

\_\_\_\_\_  
The Honorable Jeffery A. Deller  
United States Bankruptcy Court

FILED  
4/3/19 12:51 pm  
CLERK  
U.S. BANKRUPTCY  
COURT - WDP

Certificate of Notice Page 3 of 3  
United States Bankruptcy Court  
Western District of Pennsylvania

In re:  
Brian K. Grumbling  
Patricia Grumbling  
Debtors

Case No. 18-70245-JAD  
Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0315-7

User: lfin  
Form ID: pdf900

Page 1 of 1  
Total Noticed: 1

Date Rcvd: Apr 03, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Apr 05, 2019.  
db/jdb +Brian K. Grumbling, Patricia Grumbling, 300 11th Street, Windber, PA 15963-1559

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Apr 05, 2019

Signature: /s/Joseph Speetjens

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**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 3, 2019 at the address(es) listed below:

CSU - OUCTS, PA Labor & Industry ra-li-ucts-bankpitts@state.pa.us  
James Warmbrodt on behalf of Creditor Toyota Motor Credit Corporation bkgroup@kmlawgroup.com  
Joseph Jasper Swartz on behalf of Creditor PA Dept of Revenue RA-occbankruptcy2@state.pa.us,  
RA-occbankruptcy6@state.pa.us  
Kenneth P. Seitz on behalf of Joint Debtor Patricia Grumbling thedebterasers@aol.com  
Kenneth P. Seitz on behalf of Debtor Brian K. Grumbling thedebterasers@aol.com  
Kristen Wetzel Ladd on behalf of Creditor Apex Bank f/k/a Bank of Camden kladd@utbf.com,  
mfraney@utbf.com  
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov  
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 8